

2001 DRAFTING REQUEST**Senate Amendment (SA-SB55)**

Received: 06/04/2001

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 6-3847

By/Representing: Arsenault

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

Subject: Children - abuse and neglect

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Arsenault -

Topic:

Child sexual abuse reporting; referral to law enforcement; coordination of investigation; referral for prosecution; continuing education

Instructions:

See Attached--redraft 01-2015/2 as budget amendment.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			pgreensl 06/04/2001		lrb_docadmin 06/04/2001		

FE Sent For:

<END>

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FE Sent For:

<END>

Malaise, Gordon

From: Arsenault, Yvonne
Sent: Saturday, June 02, 2001 4:18 PM
To: Malaise, Gordon
Subject: one more draft

Gordon -

JFC approved motion #1274 yesterday, which adopts the provisions of LRB draft #2015/2. I will fax a copy of this motion to you and it needs to be added to the bill.

Thanks,
Yvonne

Yvonne M. Arsenault
Legislative Fiscal Bureau
(608) 266-3847
Yvonne.Arsenault@legis.state.wi.us



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

Date: June 2, 2001

DELIVER TO:

Gordon Malaise

Addressee Fax #:

46948

Addressee Phone #:

of Pages, Including Cover:

2

Sender's Initials:

YAR

From:

Yvonne Arsenault

Message:

As per my e-mail.

- Yvonne

Senator Burke

DISTRICT ATTORNEYS/HEALTH AND FAMILY SERVICES

Reporting Suspected or Threatened Sexual Abuse of a Child

Motion:

Move to adopt the provisions of LRB draft 2015/2 relating to establishing new reporting requirements for county departments of social services (county departments), county departments of human services (county departments), the Department of Health and Family Services (DHFS), licensed child welfare agencies under contract with DHFS (licensed agencies), sheriffs departments and police departments regarding all cases involving suspected or threatened sexual abuse of a child.

Note:

LRB draft 2015/2 would provide that: (a) a county department, DHFS or a licensed agency shall within 12 hours, exclusive of Saturdays, Sundays, or legal holidays, refer to the sheriff or police department all cases of suspected or threatened sexual abuse of a child, as defined in s. 48.02(1)(b) to (f), reported to it; (b) for all such reported cases of suspected or threatened sexual abuse of a child, the sheriff or police department and the county department, DHFS or a licensed agency shall coordinate the planning and execution of the investigation of the report; (c) each sheriff and police department shall adopt a written policy specifying the kinds of reports of suspected or threatened sexual abuse of a child that the sheriff or police department will routinely refer to the district attorney for criminal prosecution; (d) law enforcement agencies be specifically added as agencies to whom DHFS, county departments and licensed agencies provide continuing education and training programs designed to encourage reporting of child abuse and neglect and of unborn child abuse, encourage self-reporting and voluntary acceptance of services and improve communication, cooperation, and coordination in the identification, prevention and treatment of child abuse and neglect and of unborn child abuse; and (e) these changes first apply to reports of suspected or threatened abuse on the effective date of the bill. For purposes of LRB draft 2015/2, sexual abuse of a child includes: (a) sexual assault; (b) sexual assault of a child; (c) repeated sexual assault of the same child; (d) sexual exploitation of a child; (e) permitting, allowing or encouraging a child to violate laws against prostitution; (f) causing a child to view or listen to sexual activity; and (g) exposing genitals or pubic area to a child or encouraging a child to expose genitals or pubic area.

2001

Date (time)
needed

soon

LRB b 0572 / 1

**LFB BUDGET AMENDMENT
[ONLY FOR LFB]**

GMM: jld: _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**LFB AMENDMENT
TO 2001 ASSEMBLY BILL 144 AND 2001 SENATE BILL 55**

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page 789, line 9: after that line insert:



~~#. Page, line~~

~~#. Page, line~~

~~#. Page, line~~

~~#. Page, line~~

~~#. Page, line~~

60579/1

2001 BILL

1 **AN ACT** *to amend* 48.981 (3) (a), 48.981 (3) (b) 3. and 48.981 (8) (a); and *to create*
2 48.981 (3) (a) 4. of the statutes; **relating to:** requiring an agency that receives
3 a report of a case of suspected or threatened sexual abuse of a child to report
4 that case to the sheriff or police department, requiring the sheriff or police
5 department and the agency to coordinate the investigation of the report,
6 requiring each sheriff and police department to adopt a written policy
7 specifying the kinds of reports of suspected or threatened sexual abuse of a child
8 that the sheriff or police department will routinely refer to the district attorney
9 for criminal prosecution, and requiring child abuse and neglect continuing
10 education and training programs to be provided for the staff of law enforcement
11 agencies.

Analysis by the Legislative Reference Bureau

Under current law, a person who has reason to suspect that a child has been abused or neglected or that a child has been threatened with abuse or neglect and that abuse or neglect will occur may, and in some cases must, report that suspected or threatened abuse or neglect to the county department of human services or social

BILL

services or, in Milwaukee County, the department of health and family services (DHFS) or a licensed child welfare agency under contract with DHFS (collectively "agency") or to the sheriff or city, village, or town police department. If the report is made to the sheriff or police department, the sheriff or police department must within 12 hours, exclusive of Saturdays, Sundays, or legal holidays, refer the report to the agency. If the report is made to an agency, the agency may report the case to the sheriff or police department according to a written policy adopted by the agency specifying the kinds of reports that the agency will routinely report to local law enforcement authorities. Within 24 hours after receiving a report, the agency must initiate a diligent investigation to determine if the child is in need of protection or services. If the reporter requests an immediate investigation based on a reasonable suspicion that the child is in immediate danger, the sheriff or police department must immediately investigate to determine if the child is in immediate danger and take any action necessary to protect the child. If the sheriff or police department determines that criminal action is necessary, the sheriff or police department must refer the case to the district attorney for criminal prosecution.

This bill requires an agency to report within 12 hours, exclusive of Saturdays, Sundays, or legal holidays, to the sheriff or police department all cases of suspected or threatened sexual abuse of a child received by the agency. For purposes of this reporting requirement, "sexual abuse" means sexual assault of a child, sexual intercourse or sexual contact with a child under 16 years of age, sexual exploitation of a child, permitting, allowing, or encouraging a child to engage in prostitution, causing a child to view or listen to sexual activity, or causing a child to expose the child's genitals or pubic area. The bill also requires the sheriff or police department and the agency to coordinate the planning and execution of the investigation of a report of suspected or threatened sexual abuse of a child. In addition, the bill requires each sheriff and police department to adopt a written policy specifying the kinds of reports of suspected or threatened sexual abuse of a child that the sheriff or police department will routinely refer to the district attorney for criminal prosecution. Finally, the bill requires agencies to conduct child abuse and neglect continuing education and training programs for the staff of law enforcement agencies.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1651m ✓
SECTION 1. 48.981 (3) (a) of the statutes is amended to read:

2 48.981 (3) (a) *Referral of report.* 1. A person required to report under sub. (2)
3 shall immediately inform, by telephone or personally, the county department or, in
4 a county having a population of 500,000 or more, the department or a licensed child

BILL

1 welfare agency under contract with the department or the sheriff or city, village, or
2 town police department of the facts and circumstances contributing to a suspicion of
3 child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will
4 occur.

5 2. The sheriff or police department shall within 12 hours, exclusive of
6 Saturdays, Sundays, or legal holidays, refer to the county department or, in a county
7 having a population of 500,000 or more, the department or a licensed child welfare
8 agency under contract with the department all cases reported to it. The county
9 department, department, or licensed child welfare agency may require that a
10 subsequent report be made in writing. Each

11 3. A county department, the department, or a licensed child welfare agency
12 under contract with the department shall within 12 hours, exclusive of Saturdays,
13 Sundays, or legal holidays, refer to the sheriff or police department all cases of
14 suspected or threatened abuse, as defined in s. 48.02 (1) (b) to (f), reported to it. For
15 cases of suspected or threatened abuse, as defined in s. 48.02 (1) (a), (am), or (gm),
16 or neglect, each county department, the department, and a licensed child welfare
17 agency under contract with the department shall adopt a written policy specifying
18 the kinds of reports it will routinely report to local law enforcement authorities.

19 1651P
SECTION 3. 48.981 (3) (a) 4. ✓ of the statutes is created to read:

20 48.981 (3) (a) 4. If the report is of suspected or threatened abuse, as defined in
21 s. 48.02 (1) (b) to (f), the sheriff or police department and the county department,
22 department, or licensed child welfare agency under contract with the department
23 shall coordinate the planning and execution of the investigation of the report.

24 1651R
SECTION 3. 48.981 (3) (b) 3. ✓ of the statutes is amended to read:

BILL

1 48.981 (3) (b) 3. ~~If the police or other law enforcement officials determine~~ sheriff
2 or police department determines that criminal action is necessary, ~~they~~ the sheriff
3 or police department shall refer the case to the district attorney for criminal
4 prosecution. Each sheriff and police department shall adopt a written policy
5 specifying the kinds of reports of suspected or threatened abuse, as defined in s. 48.02
6 (1) (b) to (f), that the sheriff or police department will routinely refer to the district
7 attorney for criminal prosecution. (1651v)

(8) SECTION 4. 48.981 (8) (a) of the statutes is amended to read:

9 48.981 (8) (a) The department, the county departments, and a licensed child
10 welfare agency under contract with the department in a county having a population
11 of 500,000 or more to the extent feasible shall conduct continuing education and
12 training programs for staff of the department, the county departments, ~~a~~ licensed
13 child welfare agency agencies under contract with the department or a county
14 department, law enforcement agencies, and the tribal social services departments,
15 persons and officials required to report, the general public, and others as
16 appropriate. The programs shall be designed to encourage reporting of child abuse
17 and neglect and of unborn child abuse, to encourage self-reporting and voluntary
18 acceptance of services and to improve communication, cooperation, and coordination
19 in the identification, prevention, and treatment of child abuse and neglect and of
20 unborn child abuse. Programs provided for staff of the department, county
21 departments, and licensed child welfare agencies under contract with county
22 departments or, ~~in a county having a population of 500,000 or more~~, the department
23 whose responsibilities include the investigation or treatment of child abuse or
24 neglect shall also be designed to provide information on means of recognizing and
25 appropriately responding to domestic abuse, as defined in s. 46.95 (1) (a). The

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1 department, the county departments, and a licensed child welfare agency under
2 contract with the department in a county having a population of 500,000 or more
3 shall develop public information programs about child abuse and neglect and about
4 unborn child abuse. " (15C)

5 ~~SECTION 5. Initial applicability.~~

6 ~~(4)~~ CHILD SEXUAL ABUSE REPORTS. The amendment of section 48.981 (3) (a) of the
7 statutes and the creation of section 48.981 (3) (a) 4. of the statutes first apply to a
8 report of suspected or threatened abuse, as defined in section 48.02 (1) (b) to (f) of the
9 statutes, made under section 48.981 (3) (a) of the statutes, as affected by this act, on
10 the effective date of this subsection. " ,

11 (END)

Page 1800, line 18: after that line insert:

LFB:.....Arsenault – Child sexual abuse reporting; referral to law enforcement; coordination of investigation; referral for prosecution; continuing education

FOR 2001–03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 789, line 9: after that line insert:

3 **“SECTION 1651m.** 48.981 (3) (a) of the statutes is amended to read:

4 48.981 (3) (a) *Referral of report.* 1. A person required to report under sub. (2)
5 shall immediately inform, by telephone or personally, the county department or, in
6 a county having a population of 500,000 or more, the department or a licensed child
7 welfare agency under contract with the department or the sheriff or city, village, or
8 town police department of the facts and circumstances contributing to a suspicion of
9 child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will
10 occur.

1 2. The sheriff or police department shall within 12 hours, exclusive of
2 Saturdays, Sundays, or legal holidays, refer to the county department or, in a county
3 having a population of 500,000 or more, the department or a licensed child welfare
4 agency under contract with the department all cases reported to it. The county
5 department, department, or licensed child welfare agency may require that a
6 subsequent report be made in writing. Each

7 3. A county department, the department, or a licensed child welfare agency
8 under contract with the department shall within 12 hours, exclusive of Saturdays,
9 Sundays, or legal holidays, refer to the sheriff or police department all cases of
10 suspected or threatened abuse, as defined in s. 48.02 (1) (b) to (f), reported to it. For
11 cases of suspected or threatened abuse, as defined in s. 48.02 (1) (a), (am), or (gm),
12 or neglect, each county department, the department, and a licensed child welfare
13 agency under contract with the department shall adopt a written policy specifying
14 the kinds of reports it will routinely report to local law enforcement authorities.

15 **SECTION 1651p.** 48.981 (3) (a) 4. of the statutes is created to read:

16 48.981 (3) (a) 4. If the report is of suspected or threatened abuse, as defined in
17 s. 48.02 (1) (b) to (f), the sheriff or police department and the county department,
18 department, or licensed child welfare agency under contract with the department
19 shall coordinate the planning and execution of the investigation of the report.

20 **SECTION 1651r.** 48.981 (3) (b) 3. of the statutes is amended to read:

21 48.981 (3) (b) 3. ~~If the police or other law enforcement officials determine~~ sheriff
22 or police department determines that criminal action is necessary, ~~they~~ the sheriff
23 or police department shall refer the case to the district attorney for criminal
24 prosecution. Each sheriff and police department shall adopt a written policy
25 specifying the kinds of reports of suspected or threatened abuse, as defined in s. 48.02

1 (1) (b) to (f), that the sheriff or police department will routinely refer to the district
2 attorney for criminal prosecution.

3 **SECTION 1651v.** 48.981 (8) (a) of the statutes is amended to read:

4 48.981 (8) (a) The department, the county departments, and a licensed child
5 welfare agency under contract with the department in a county having a population
6 of 500,000 or more to the extent feasible shall conduct continuing education and
7 training programs for staff of the department, the county departments, ~~a~~ licensed
8 child welfare agency agencies under contract with the department or a county
9 department, law enforcement agencies, and the tribal social services departments,
10 persons and officials required to report, the general public, and others as
11 appropriate. The programs shall be designed to encourage reporting of child abuse
12 and neglect and of unborn child abuse, to encourage self-reporting and voluntary
13 acceptance of services and to improve communication, cooperation, and coordination
14 in the identification, prevention, and treatment of child abuse and neglect and of
15 unborn child abuse. Programs provided for staff of the department, county
16 departments, and licensed child welfare agencies under contract with county
17 departments or, ~~in a county having a population of 500,000 or more,~~ the department
18 whose responsibilities include the investigation or treatment of child abuse or
19 neglect shall also be designed to provide information on means of recognizing and
20 appropriately responding to domestic abuse, as defined in s. 46.95 (1) (a). The
21 department, the county departments, and a licensed child welfare agency under
22 contract with the department in a county having a population of 500,000 or more
23 shall develop public information programs about child abuse and neglect and about
24 unborn child abuse.”.

2. Page 1800, line 18: after that line insert:

“(15c) CHILD SEXUAL ABUSE REPORTS. The amendment of section 48.981 (3) (a) of the statutes and the creation of section 48.981 (3) (a) 4. of the statutes first apply to a report of suspected or threatened abuse, as defined in section 48.02 (1) (b) to (f) of the statutes, made under section 48.981 (3) (a) of the statutes, as affected by this act, on the effective date of this subsection.”.

(END)